



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
January 6, 2016**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 6:00pm, Wednesday, January 6, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Chairman Trey Shelton. Also present were Commissioners Mark Jenkins, Estes Banks, Annie Davis, Preston Larimer, Scott Johnson, and Tim Bliss. Staff Present: Principal Planner Mark Doering and Deputy Town Clerk Melanie Jacobs.

PLEDGE OF ALLEGIANCE

Chairman Shelton led in the Pledge of Allegiance.

ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Shelton called for approval of the agenda. **Motion #1** by Larimer seconded by Jenkins to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Jenkins motioned for approval of the December 16, 2015 minutes. **Motion #2** was seconded by Davis. Motion carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 6:02pm. Two audience members indicated that they would like to speak, and Shelton asked them to step forward and begin their remarks by stating their names and addresses. They introduced themselves as Jordan and Lindy, owners of self-built tiny homes located in Buena Vista. Jordan said they had read Module 1 of the Unified Development Code rewrite and believe the proposed zoning changes will be a progressive and positive step for the town. They find the tiny home provisions to be less satisfactory, as these categorize all houses on wheels (as theirs are) as manufactured homes. They expressed a desire to cooperate with the Planning Commission in order to work out a way to stay in Buena Vista.

Doering thanked them for coming to the meeting and explained that the Planning Department's two main concerns regarding homes on wheels are getting them hooked up to utilities, and ensuring they meet the Building Code and are therefore safe for human habitation. Larimer commented that the Commissioners were very aware of the problem of limited affordable housing in town. Shelton encouraged Jordan and Lindy to talk to the town Planning Department and the Chaffee County Building Department about bringing their living arrangements into compliance with the relevant Codes.

Shelton closed the public comment portion of the hearing at 6:25pm.

NEW BUSINESS

Reinstatement of Commissioners

Doering stated that the Commission needed to reinstate Commissioners Banks, Davis, and Larimer at this meeting, or to begin the process of looking for new candidates. He asked these Commissioners if they wanted to continue to serve; all three answered that they did.

Johnson motioned to reinstate Banks, Davis, and Larimer as Planning and Zoning Commissioners. Jenkins seconded, and **Motion #3** passed unanimously.

Comprehensive Plan

Doering explained that formal adoption of the updated Comprehensive Plan is a statutory duty of the Planning Commission. The adoption is then approved by the Board of Trustees. He briefly summarized the updated plan, calling particular attention to the action items that appear in the latter part of the document. Doering noted that there are 86 short-term and 50 long-term action items listed; of these, 66 short-term and 28 long-term items name the Planning Department as a responsible party in helping to get them accomplished. He went on to state that the plan is an advisory (rather than mandatory) document, meant to assist future decision-makers as they consider particular development proposals. He closed by asking if Commissioners had any comments or concerns about the new plan.

Johnson indicated that one of the fonts used in the document is apparently not readable by iPads; his tablet replaced it with a font that was very hard to read. Doering suggested that it may be necessary to have the town's IT Department install that font on the Commissioners' devices. Jenkins asked why the Comprehensive Plan stated that Planning and Zoning would be heavily involved with environmental planning. Doering replied that environmental matters could come to the Planning Commission for advice and guidance in the future, though these are not strictly speaking a development application issue. He believes the authors of the document were trying to be thorough in making sure the right municipal bodies would be involved in land use decisions.

Banks remarked that he views the Comprehensive Plan as a marketing document, with some aspirational content and some sections that address how to manage Buena Vista's increasing growth. He does not believe the consultants who worked on the update understand Buena Vista at all, possibly as a result of their origin in Aspen. Doering agreed with this assessment and said the 22% projected growth rate was probably an overestimate.

Jenkins motioned to approve Resolution #1 Series 2016 of the Planning and Zoning Commission for the Town of Buena Vista, Colorado, adopting the amended Comprehensive Plan. Davis seconded **Motion #4**, which passed without dissent.

Colorado Center PUD Filing 1, Final Plat and Substantial PUD Modification

Doering introduced this matter by explaining that the applicant had submitted two requests: 1) to modify the existing Filing 1 Final Plat of the Colorado Center PUD to adjust existing lots, to add lots, and to remove rights-of-way that appeared on the previously approved Final Plat, and 2) to obtain approval of a substantial PUD modification to change zoning districts in order to reflect the new lot configuration on the modified Final Plat. The address on the application (27951 CR 319) is an existing address that corresponds to the location of a structure on the property.

Doering noted that the Final Plat currently before the Commission was dramatically different from the originally approved Final Plat, and presented Commissioners with slides showing each version. He drew the Commission's attention to the lots being adjusted, those being added, and to the rights-of-way being

changed. Doering stated that a new Subdivision Improvements Agreement (SIA) would be required with this modification to ensure that the public improvements necessitated by the new lots would be installed. The improvements include the installation of water/sewer lines and the dedication/paving of McCormick Place and McCombs Street. In addition, the applicant would be asked to pave the remaining unpaved portion of Gregg Circle.

Doering informed the Commission that the Final Plat application meets all criteria for approval (it conforms to the Subdivision and Zoning Ordinances, and the applicant has taken steps to mitigate the impact of the development on public health, safety, and welfare).

Moving on to the PUD modification application, Doering stated that the currently approved PUD is zoned Z-1 (entry commercial) in some areas and Z-2 (data, science, and technology) in others. The applicant wants to change the entirety of one reconfigured lot (A-6) to Z-1, rather than leaving the northern portion of the lot zoned Z-1 and the southern portion zoned Z-2. Additionally, part of a previously platted right-of-way will be replaced by Out Lot 2, which will include a utility, drainage, and access easement for nearby lots. The applicant also plans to make minor language changes to add clarity to the zone districts.

Doering went briefly through the approval criteria for PUD modification requests, remarking that staff believes the application meets all of them.

Doering closed his presentation by noting that staff recommends approval of the application with conditions. With regard to the final plat, the conditions are as follows [quoted from the staff report]:

- 1) Prior to recordation of the Final Plat, the applicant and Town shall execute a Subdivision Improvement Agreement (SIA) to establish the requirements for the installation of public improvements, including but not limited to installation of water and sewer lines, and public streets needed for the amended portion of the Final Plat. The SIA shall also include paving Gregg Circle for the existing lots in Filing 1;
- 2) The applicant shall submit an amended Preliminary Plat for Filing 1 to reflect the changes shown in the Final Plat, within 90 days of the final approval of the Final Plat;
- 3) The Final Plat drawings shall be corrected prior to recordation based upon any comments from referral agencies; and
- 4) The applicant shall pay five percent of the estimated costs of installing the public improvements required for the Final Plat prior to the Board of Trustees public hearing, as outlined in the existing Development Agreement.

With regard to the substantial PUD modification, the single condition is as follows [quoted from the staff report]:

- 1) Prior to recordation of the PUD Modification, the PUD drawings shall be corrected based upon comments from Town staff and from any referral agencies.

Syd Schieren of Landmark Surveying was present in the audience as a representative of the Colorado Center applicant. He let the Commission know that some of the lots in Filing 1, Phase A are currently under contract. The applicant plans to finance construction on the Phase C lots, including the construction of public improvements in that area, through the sale of these Phase A lots. Only the Phase C lots will be subject to the new SIA. He went on to say that the lot in the northwest corner (A-6) had been enlarged at the request of a buyer, and that the zoning on the lot was being altered to avoid having dual zoning on a single lot.

Jenkins asked whether the developer was expected to pay for infrastructure in this case. Doering replied that the developer would be responsible for installing infrastructure, built to town standards. Once the improvements are accepted by the town, the town would then assume responsibility for maintaining them.

Shelton closed the public hearing and asked Commissioners for comments. There was general consensus that the requests were straightforward and reasonable, and no one expressed any reservations about the application.

Davis motioned to recommend approval of the reconfigured Final Plat for Colorado Center, subject to conditions included in the staff report [cited on page 3 of these minutes]. **Motion #5** was seconded by Jenkins and passed unanimously.

Larimer motioned to recommend approval of the Substantial PUD Modification for Colorado Center to reconfigure the existing PUD and add the lots shown in the new Final Plat, subject to the condition included in the staff report [cited on page 3 of these minutes]. Davis seconded and **Motion #6** passed unanimously.

STAFF / COMMISSION INTERACTION

Doering stated that he finds the current subdivision regulations to be cumbersome, and he plans to streamline the subdivision application process as part of Module 2 of the Unified Development Code (UDC) rewrite. He then explained that subdivision rules exist in order to make sure all lots created can be developed, i.e. that all lots have access to public roads and utilities. This protects future owners of properties. Under the current Code, it is hard to provide this protection. Both aspects of the problematic subdivision regulations (the lengthy subdivision approval process and the difficulties with ensuring all lots are buildable) have led to undesirable outcomes in the past. Doering has located 3 illegal subdivisions in town, in which property owners have had subdivision documents recorded by Chaffee County without first receiving approval from the town. In addition, there are lots in town that cannot be built upon because of lack of access to a public road, utilities, or both.

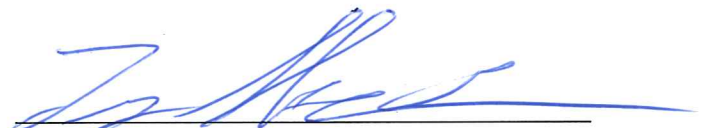
Larimer asked if South Main and Colorado Center were the only two PUDs in Buena Vista. Doering replied that as far as he was aware, this was the case. He would like to make sure the new UDC is written in such a way that it renders PUDs unnecessary in future.

Doering invited all Commissioners to attend the Steering Committee meeting on January 12, at which Module 1 of the new UDC will be discussed. The biggest single change to the code will involve making it unnecessary for developers to go through a special use process in order to build an ADU. Tiny homes and zoning issues will also be addressed at the meeting.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Banks motioned to adjourn the meeting at 7:22pm. Commissioner Larimer seconded. **Motion #7** was unanimously approved.

Respectfully submitted:


Trey Shelton, Chairman
Melanie Jacobs, Deputy Town Clerk